

**Notice of Allowability**

Application No.

10/624,969

Examiner

Stephen G. Sherman

Applicant(s)

PEICKERT, STANLEY ALDEN

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed the 28 December 2006.
2. ☒ The allowed claim(s) is/are 24-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 24-32 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is the limitation in independent claims 24 and 28 of the base having a vertical tab rising perpendicularly from one end of the oval shaped deck and a vertical shortwall rising around its perimeter slightly inset from the outside edge of the horizontal deck, which is not found singularly or in combination within the prior art.

The closest prior art references are Edwards et al. (US 2002/010550), Rodgers (US 2002/0119174) and Vayda (US 2005/0174331). Edwards et al. (US 2002/010550) and Rodgers (US 2002/0119174) both teach of a computer program operation interface arranged to provide optimum use of the operator's hand while allowing the hand to function in a relaxed natural position (Figures 3 and 23 respectively.). They also both teach of a base which is oval shaped (Figures 11 and 20 respectively.) and a covering shell having finger pads (Figures 7 and 1 respectively), however, Edwards et al. and Rodgers both fail to teach of the base having a vertical tab rising perpendicularly from

one end of the oval shaped deck and a vertical shortwall rising around its perimeter slightly inset from the outside edge of the horizontal deck. Vayda teaches of a computer program operation interface arranged to provide optimum use of the operator's hand while allowing the hand to function in a relaxed natural position (Figures 10 and 11) comprising of a base which is oval shaped (Figure 9), which has a vertical pillar with a threaded hole in its top (Figure 10) and a covering shell having finger pads and a hole in the top so that an assembling screw can be installed through the hole and threaded into the hole in the vertical pillar (Figure 10), however, Vayda fails to teach of the base having a vertical tab rising perpendicularly from one end of the oval shaped deck and a vertical shortwall rising around its perimeter slightly inset from the outside edge of the horizontal deck.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen G. Sherman whose telephone number is (571) 272-2941. The examiner can normally be reached on M-F, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS

25 January 2006

AMR A. AWAD  
SUPERVISORY PATENT EXAMINER  
